

**18057. Misbranding of Var-ne-sis for rheumatism. U. S. v. 5½ Dozen Bottles of Var-ne-sis for Rheumatism. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25907. I. S. No. 15737. S. No. 4128.)**

Examination of a drug product, known as Var-ne-sis for rheumatism, from the shipment herein described having shown that the bottle and carton label and accompanying mailing card bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Rhode Island.

On February 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five and three-fourths dozen bottles of Var-ne-sis for rheumatism, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the Var-ne-sis Co., from Lynn, Mass., on or about January 10, 1931, and had been transported from the State of Massachusetts into the State of Rhode Island, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium salicylate, extracts of plant drugs including glycyrrhiza, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For Rheumatism Such as Sciatic, Lumbago, Muscular Chronic Rheumatic Arthritis, Rheumatic Neuritis \* \* \* Unequaled as a System Purifier;" (carton) "For Rheumatism Such as Sciatic, Lumbago, Muscular, Chronic Rheumatic Arthritis, Rheumatic Neuritis \* \* \* Recommended to You by hundreds of former Rheumatic sufferers. \* \* \* Tone up the System, Build up the General Health, Drive Poison From the System Through the Natural Channels of the Body, Keep the Organs of the Body Functioning as They Were Designed to Function and Much Disease Will Be Avoided;" (mailing card) "Conquers Rheumatism."

On March 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18058. Misbranding of Jarabe de Kofressi Contra el Reumatismo. U. S. v. 3½ Dozen Bottles of Jarabe de Kofressi Contra el Reumatismo. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25888. I. S. No. 5744. S. No. 4134.)**

Examination of the drug product herein described having shown that the carton and bottle labels and accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On February 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three and one-half dozen bottles of Jarabe de Kofressi Contra el Reumatismo at Ponce, P. R., alleging that the article was in possession of Moscoso Hno. & Co., S en C, Ponce, P. R., and was being sold and offered for sale in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide, guaiacol, extracts of plant drugs, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Translation from Spanish, carton) "For the treatment of Muscular and Acute Rheumatism, Inflammation due to Gout, Lumbago and Sciatica;" (bottle) "Anti-Rheumatic \* \* \* for the treatment of Articular and Muscular Rheumatism, Sciatica, Inflammatory Rheumatism, all acute manifestations of Rheumatism and Gout. The best Depurative for the Impurities of the

Blood;" (circular) "Rheumatism. Under the word 'Rheumatism' there are included various affections of different nature:—First:—The acute affection in the articulations, known in medicine under the name of Acute Articular Rheumatism. Second:—The disease or maybe the series of diseases named Chronic Rheumatism, and Third:—Muscular Rheumatism. Acute Articular Rheumatism \* \* \* there are possibilities that the inflammation may extend to the heart \* \* \* chronic rheumatism \* \* \* muscular rheumatism \* \* \* treatment \* \* \* The best thing that has proven to be of best value, as it is demonstrated by numerous testimonials of individuals that were almost crippled and that had lost all hope of living, is the discovery of the celebrated and famous Syrup Kofressi. This has been the savior of humanity \* \* \* Anti Rheumatic Syrup Kofressi \* \* \* about a year ago I was suffering from a terrible Rheumatic affection, accompanied by infarcts in the glands, specially those of the right armpit. This deprived me for a long time to attend to my business, because it was very difficult for me to do it on account of the pain. No longer being able to resist such terrible disease, and no alleviation having been felt with all the medicines I had taken \* \* \* I noticed that the Rheumatism was ceasing, the gland disappeared and that a sensation of good feeling was announcing me the return of my health. \* \* \* This I make public as a duty \* \* \* I feel highly grateful for having returned to me the most precious gift, Health, with the best Anti-Rheumatic Specific that has ever been known."

On March 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18059. Adulteration and misbranding of ether. U. S. v. Fifty-four 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25832. I. S. No. 15718. S. No. 4059.)**

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On January 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of fifty-four 1-pound cans of ether, remaining in the original unbroken packages at Worcester, Mass., alleging that the article had been shipped by Merck & Co., from Rahway, N. J., on or about October 17, 1930, and had been transported from the State of New Jersey into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated upon the label.

Misbranding was alleged for the reason that the statement "Ether U. S. P.," appearing on the label, was false and misleading.

On March 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18060. Adulteration and misbranding of fluid extract ergot. U. S. v. 14 Boxes of Ampoules No. 5 Ergot (Sterilized). Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25846. I. S. No. 15816. S. No. 4076.)**

Examination of samples of fluid extract ergot from the shipment herein described showed that the product had a potency per cubic centimeter equivalent to two-fifths gram of ergot, approximately two-tenths the potency declared on the label. The article was sold as a therapeutic agent for use in conditions for which fluid extract of ergot is administered, and because of low potency would have been ineffective when administered for such conditions in reliance on its declared strength. The label bore further unwarranted curative claims.

On February 3, 1931, the United States attorney, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the Southern District of New York a libel praying seizure and condemnation of 14 boxes of ampoules No. 5 ergot (sterilized), remaining unsold in the original